

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7907 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

SURJIT KAUR MOHINDRASINH SOMEL

Versus

STATE OF GUJARAT

Appearance:

MR BG PATEL for MR AJ PATEL for Petitioner
MR PREMAL JOSHI, ASSTT. GOVERNMENT PLEADER
for Respondent No. 1
NOTICE SERVED for Respondent No. 2, 3, 4, 5, 6

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 22/12/2000

ORAL JUDGEMENT

The petitioner challenges the order of the
Tribunal rejecting her Revision Application on the ground

that it was beyond limitation and thereby confirming orders of the lower authorities.

2. The Revision Application was preferred by the petitioner under Section 76 of The Bombay Tenancy and Agricultural Lands Act, 1948 against the orders of the subordinate authorities holding that the purchase of land made by her was violative of the provisions of the Act, as she was not an agriculturist and therefore invalid under Section 84C(2) of the Act and further that the land liable to be forfeited to the State Government. The Prant Officer had dismissed the appeal on merits by his order dated 29.5.1985, against which the Revision Application was filed before the Tribunal after about two years and seven months. The Tribunal held that the Revision Application deserves to be dismissed straightaway being barred by limitation, as no ground whatsoever was made out for treating the Revision Application within limitation or even for condonation of delay.

It appears from the record that the petitioner had made an application for condonation of delay in filing of the Revision Application on 28.12.1987. A copy of that application is at Annexure "C" to the petition. There were various grounds put forth by the petitioner before the Tribunal for condonation of the delay in the filing of the Revision Application. One of the grounds was that by mistake her Advocate had filed an appeal once again before the Prant Officer, instead of preferring a Revision Application before the Tribunal and that it was only on 10.9.1987 when the Prant Officer made an order and the petitioner took advice of some other lawyer that she came to know about the proceedings before ought to have been filed before the Tribunal against the order dated 29.5.1985. It is clear from the order of the Tribunal that this application for condonation of delay made by the petitioner was totally over-looked by it while observing that the petitioner had not put-forth any grounds for condonation of delay. In this view of the matter the impugned order of the Tribunal dated 16.12.1991 in Revision Application No. TEN:BA:941/1987 cannot be sustained and is hereby set aside. The Tribunal is directed to hear the revision application of the petitioner afresh and take a decision thereon in accordance with law expeditiously. Until then status-quo will be maintained as regards the land in question. Rule is made absolute accordingly with no order as to cost.
